

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
SEPTEMBER 15, 2020**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO A MULTI-YEAR EMERGENCY CONTRACT UP TO \$1,750,000.00 FOR COMPUTER-BASED EXAMINATIONS FOR THE DRINKING WATER AND WASTEWATER OPERATOR CERTIFICATION PROGRAMS

DISCUSSION

The State Water Board is responsible for the administration of the Wastewater Operator Certification Program, which certifies wastewater treatment plant operators pursuant to chapter 9 of division 7 of the Water Code. The State Water Board also is responsible for Drinking Water Operator Certification Program, which certifies water treatment and water distribution operators pursuant to article 3 of chapter 4 of part 1 of division 104 of the Health and Safety Code. Examination and certification of water treatment, water distribution and wastewater treatment plant operators is imperative to ensure the essential functions of safe and effective operation of wastewater treatment plants, water treatment plants, and water distribution systems can continue, thereby protecting public health, safety, and the environment.

The State Water Board traditionally conducts approximately 11,500 in-person Operator Certification examinations per year. As a result of the Coronavirus 2019 (COVID-19) emergency, Centers for Disease Control and Prevention (CDC) issued guidelines for limitations of group sizes to 10 individuals or less, and California's Governor Newsom signed executive order N-33-20 on March 19, 2020, prohibiting all non-essential gatherings. The State Water Board's 2020 Operator Certification examinations were cancelled due to COVID-19 emergency, CDC guidelines, and executive order N-33-20.

Computer based testing centers can provide testing services that address COVID-19 safety measures, while increasing the availability of testing opportunities, thereby allowing Operator Certification examinations to resume. The current inability to certify new operators and certify existing operators at a higher grade as a result of COVID-19 poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, and essential services. An emergency contract for administering computer-based Operator Certification examinations is necessary for the immediate preservation of the public health, welfare, and safety by ensuring that there are sufficient certified operators to safely run water distribution systems, water treatment plants and wastewater treatment plants.

POLICY ISSUE

State Water Board adoption of the proposed resolution authorizing the Executive Director or designee to enter into a multi-year contract up to \$1,750,000.00 for computer-based examinations for Drinking Water and Wastewater Operator Certification Programs.

FISCAL IMPACT

Approval of the resolution will mean allocating up to \$1,750,000.00, when funds/expenditure authority are identified and become available, for computer-based testing serves until June 30, 2022. It is anticipated that the Drinking Water and Wastewater Operator Certification Programs will need to amend their regulations to increase their examination fees to offset the increased examination cost to the State Water Board of approximately \$30 per examinee.

REGIONAL BOARD IMPACT

There is no impact to the Regional Water Quality Control Boards or Division of Drinking Water District Offices.

HUMAN RIGHT TO WATER ANALYSIS

The actions proposed under this item are consistent with the established policy of the State recognizing the human right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes (human right to water; Water Code section 106.3). The proposed actions are also consistent with [Resolution No. 2016-0010](#), in which the State Water Board adopted the human right to water as a core value and top priority. As directed by the State Water Board in Resolution No. 2016-0010, staff has determined that the proposed actions support the human right to water by ensuring that their sufficient certified operators to safely run water distribution systems, water treatment plants, and wastewater treatment plants.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed resolution authorizing the Executive Director or designee to enter into a multi-year contract up to \$1,750,000.00 for computer-based examinations for Drinking Water and Wastewater Operator Certification Programs.